IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 19115 of 1998

Between:

P. Sudershan Reddy, S/o Kista Reddy,
R/o Mogullavompu Vg, Yacharam Mandal, R.R.District.

..... PETITIONER

AND

1 A.P.S.E.B., rep. by its Member Secretary, Vidyut Soudha, Hyderabad.
2 Superintending Engineer, Operation Circle, A.P.S.E.B., R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the 2nd respondent contained in letter dated 11-6-1998 purporting to reject the benefit of regular appointment to the petitioner to the post of junior lineman pursuant to the selection dated
27-10-1997 is arbitrary and illegal and direct the respondents to appoint the petitioner to the post of junior lineman with all consequential benefits and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents: MR. SAMINENI KISHORE

The Court made the following :

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THE HON'BLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO.19115 OF 1998

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ORDER:

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Heard Sri Vedula Venkataramana, the learned counsel appearing for the petitioner and Sri Samineni Kishore, the learned standing counsel appearing for the respondents.

The petitioner herein seeks to assail the impugned orders rejecting his claim for appointment to the post of Junior Lineman pursuant to the selection, which was already made on 27.10.1997 as arbitrary and illegal.

The case of the petitioner is that he is fully qualified for the appointment to the post of Junior Lineman and, therefore, he is entitled for selection. Further, having regard to the directions given by this Court in the earlier Writ Petition No.13802 of 1997, his case has not been properly considered and the said rejection is un-sustainable. Hence, the Writ Petition.

Having considered the submissions made on either side and on perusal of the material on record, it is seen that the rejection of the petitioner's appointment to the post of Junior Lineman was based on two grounds namely that the petitioner is underaged and further he is not a casual labour. It is submitted that having regard to the lapse of time, he is fully entitled to the said selection and even the certificate filed by him substantially supports his case. However, the fact remains that the petitioner was shown to be aged 17 years 5 months and 14 days and so he is minor. Therefore, there cannot be any appointment of a minor to any post. In the circumstances, I do not find any merits in the Writ Petition.

The Writ Petition is accordingly dismissed. It shall be open to the petitioner to apply afresh along with all necessary certificates and the respondents shall consider the same afresh on merits in accordance with law. No costs.

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B. PRAKASH RAO, J

16th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1. The Member Secretary, Vidyut Soudha, Hyderabad.
2. Superintending Engineer, Operation Circle, APSEB, R.R.District.
3. Two C.D. copies.